

Return of Service

**UNITED STATES DISTRICT COURT
Southern District of New York**

Securities and Exchange Commission
Plaintiff

Case Number: 1:23-cv-00131

vs.

Andrew DeFrancesco; et al.
Defendant

On behalf of:
U.S. Securities and Exchange Commission
100 F St NE
Washington, DC 20549

Received by Cavalier to be served on Andrew DeFrancesco at 4395 Pine Tree Drive, Miami Beach, FL 33140.

I, Winston Suarez, being duly sworn, depose and say that on February 16, 2023 at or about 5:30 PM I served Summons & Complaint; Notice of Court Conference; Civil Case Management Plan; Individual Rules of Practice - Hon. Jed S. Rakoff by posting at the door or at such other place as appears to be the main entrance to the residence at 4395 Pine Tree Drive, Miami Beach, FL 33140, being unable to make personal or substitute service. Upon information and belief, 4395 Pine Tree Drive, Miami Beach, FL 33140 is the usual place of abode for Andrew DeFrancesco.

Attempted service at 4395 Pine Tree Drive, Miami Beach, FL 33140 on 2/7/2023 at 1:14 PM. High wooden gate to the property is locked with surveillance cameras around the property. Housekeeper came to the front gate and identified herself as Beatriz. She said that neither Andrew nor Catherine DeFrancesco were home, and she did not know when they would return.

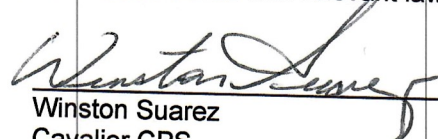
Attempted service at 4395 Pine Tree Drive, Miami Beach, FL 33140 on 2/8/23 at 6:30 PM. Rang intercom system at the front gate many times, but there was no answer.

Attempted service at 4395 Pine Tree Drive, Miami Beach, FL 33140 on 2/9/2023 at 8:13 AM. Rang intercom system at the front gate many times, but there was no answer. Observed three vehicles behind the gate in the driveway.

Attempted service at 4395 Pine Tree Drive, Miami Beach, FL 33140 on 2/15/2023 at 8:15 AM. Rang intercom system many times and waited fifteen minutes. There was no answer. Vehicles still in the driveway.

Fed. R. Civ. Proc. 4(e)(1) specifies in relevant part that service may be made by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located." Therefore, service was made in accordance with NY CPLR §308.4 by "affixing the papers to the door of the...dwelling place or usual place of abode within the state of the person to be served, and...mailing the papers to the person to be served to his or her last known residence." I certify that on February 17, 2023 the aforementioned documents were affixed to the gate of 395 Pine Tree Drive, Miami Beach, FL 33140, and that the documents were also mailed to Andrew DeFrancesco at the aforementioned address in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against Andrew DeFrancesco.

I am a natural person over the age of eighteen and am not a party or otherwise interested in the subject matter in controversy. I am a private process server authorized to serve this process in accordance with relevant law. Under penalty of perjury, I declare that the foregoing is true and correct.

 2/21/2023
Winston Suarez
Cavalier CPS
823-C S. King St.
Leesburg, VA 20175
Our Job Number: 2023-106574
Reference: 23-NYRO-039